

NOTICE OF DECISION - FINDINGS

Hardwoods - 2002

The findings are made pursuant to Section 21080.5 of the Public Resource Code (PRC), and Sections 1144-1145 of Title 14 California Code of Regulations (14 CCR). These findings pertain to the amendment of 14 CCR Sections 932.9 and 952.9.

I. DESCRIPTION OF REGULATORY ACTION:

The Z'berg – Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) establishes the State's interest in the use, restoration, and protection of the forest resources. The Legislature further recognizes that these forest resources help maintain wildlife (ref. PRC § 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is intended to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to wildlife (ref. PRC § 4513). Public Resources Code Section 4551 gives the Board of Forestry and Fire Protection (Board) the authority to adopt such rules and regulations necessary to carry out its responsibilities to protect wildlife.

The Board has been concerned with the impacts of population growth and various associated land uses on hardwood resources since 1981. The Fish and Game Commission (Commission) has had a hardwoods policy since 1985. In 1987, the Board, the Commission, the Department of Forestry and Fire Protection (CDF), the Department of Fish and Game (DFG), and University of California Cooperative Extension started an Integrated Hardwood Range Program designed to provide for research, education, and monitoring of the hardwood resource.

In May of 1993, the Board reviewed the results of the Integrated Hardwood Range Program to see if it was accomplishing its goals. The Board reviewed the need for statewide regulation of hardwoods and decided that such controls are not warranted at that time. Rather the Board opted for a renewed effort to encourage local government and citizens to design strategies that will address local hardwood management and conservation.

In June 1998 the Board entered into a Joint Hardwoods Policy with the Commission to work together to provide for a unified policy for California's hardwood resource. The proposed regulation is designed to emphasize the need to consider hardwood retention in all of California.

II. FINDINGS REGARDING POTENTIAL SIGNIFICANT IMPACTS

The Board has not identified any adverse environmental effects from the proposed action. The amended regulations contained in the technical addendum #2 of 14CCR § 932.9 and 952.9 is designed to guide the Registered Professional Forester in protecting wildlife and its habitat by retaining and protecting deciduous hardwoods.

III. FINDINGS ON ALTERNATIVES

1. Retain existing regulations without any change.

The adoption of this alternative would not address the public problem and other conditions or circumstances the proposed regulatory action was intended to address as specified in the Initial Statement of Reasons.

2. Adopt the regulations as proposed in the 45-Day Notice, and modified in 15-Day Notice, with consideration given to public and other agency comments.

The adoption of this alternative would allow the Board to adopt modified rules after receiving input on this proposal. Alternative 2 was determined to be the preferred alternative by the Board, and was adopted.

IV. SUMMARY OF POTENTIAL IMPACTS AND FINDINGS

The Board finds that there are no adverse environmental effects from the proposed action.

V. FINDINGS REGARDING POTENTIAL SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

The Board has not identified any adverse environmental effects from the proposed action. The amended regulations contained in the technical addendum #2 of 14CCR § 932.9 and 952.9 is designed to guide the Registered Professional Forester in protecting wildlife and its habitat by retaining and protecting deciduous hardwoods.

VI. FINDINGS ON COSTS SUMMARY OF POTENTIAL IMPACTS

The Board finds there are no additional costs to any state agency, any state mandated costs to local agencies of government or school districts that require reimbursement under Part 7, Div. 4 Sec. 17500 GC because of any duties, obligations or responsibilities imposed on state or local or agencies or school districts. This action can be accomplished with no significant additional net cost, or where such costs exist, they are entered into voluntarily.

This order does not create any savings or additional costs of administration for any agency of the United States Government over and above the program appropriations made by Congress.

A. Costs to State Agencies

The Board has determined that this action will not have a net increase in costs to state agencies that have been identified.

B. Local Agencies

The Board has determined that this action will not have a net increase in costs to local government, school districts or other local agencies.

C. Costs to Affected Persons

The Board has determined that this action will not have a net increase in costs to affected persons that have been identified. The Board is simply clarifying what is already required in existing regulation with regard to wildlife evaluation and habitat protection.

D. Costs to Businesses and Small Businesses

The Board has determined that this action will not have a net increase in costs to businesses and small businesses that have been identified. The Board is simply clarifying what is already required in existing regulation with regard to wildlife evaluation and habitat protection.

E. Competitiveness Considerations

The Board has determined that this action will not have a significant impact on the ability of California businesses to compete with businesses in other states.

F. Creation or Elimination of Jobs or Businesses

Adoption of these regulations is not likely to create or eliminate jobs within California.

G. Impacts on Housing

The Board has determined that this action will not have a significant affect housing costs.

JLM 9/26/02

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